

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DAVID E. RICKETTS;	:	
Plaintiff,	:	NO. 1:CV-07-0049
	:	
v.	:	JUDGE RAMBO
	:	
THE UNITED STATES OF AMERICA;	:	
THE FEDERAL BUREAU OF PRISONS	:	
FEDERAL PRISON INDUSTRIES, INC.;	:	
RAYMOND LAWS; JOHN SHEESLEY;	:	
JAY YOUNG; KEITH KRATZER; and	:	JURY TRIAL DEMANDED
JOSEPH V. SMITH;	:	
Defendants	:	Filed Electronically

PLAINTIFF'S MOTION TO CONDUCT ADDITIONAL DEPOSITIONS

Plaintiff, David E. Ricketts, by and through his attorney, James F. Logue, Esq., respectfully files the within Motion to Conduct Additional Depositions pursuant to Federal Rules of Civil Procedure Rule 26(b)(2) and Rule 30(2)(A)(i) for the reasons that follow:

1. On October 1, 2009, this Honorable Court issued a Discovery Order stating the deadline for completion of Discovery is November 30, 2009.
2. On October 28, 2009, Plaintiff's Counsel and Defendants' Counsel entered into a Stipulation to extend the discovery deadline sixty (60) days.

3. On January 21, 2010, this Honorable Court granted Plaintiff's Motion to extend the discovery deadline by sixty (60) days, setting a deadline for discovery due by March 31, 2010.
4. To date, Plaintiff has conducted nine (9) depositions, all being UNICOR staff and/or Lewisburg employees whom were either present on the day in question, provided statements in regard to the stabbing and/or investigated the matter.
5. The tenth (10th) deposition that Plaintiff will be taking is that of Joseph V. Smith, Warden of Lewisburg prison during the time in question.
6. The Plaintiff is requesting Leave to Conduct Additional Depositions for the following reasons:
 - a. Plaintiff's attacker, Richard Vardenski, worked for the millwright department on the day in question;
 - b. Plaintiff has deposed three (3) of the four (4) millwright foremen/supervisors;
 - c. Each of the three foremen/supervisors have testified that Mr. Vardenski was not assigned to them on the day in question;
 - d. Plaintiff seeks to depose Dwayne Miller, the electrician for millwright, to inquire, *inter alia*, as to whether he supervised Mr.

Vardenski on the day in question and/or whether he knows who should have been supervising Mr. Vardenski;

- e. Plaintiff further seeks to depose Dr. Ernesto Gapasin, who has been Plaintiff's treating physician for several years, relative to the extent of Plaintiff's physical and/or mental injuries.

7. Defendants will not be prejudiced by this allowance.

8. Counsel for Defendants concurs in this Motion.

WHEREAS, Plaintiff respectfully requests that this Honorable Court grant the within Motion to Conduct Additional Depositions.

Respectfully Submitted,

Date: March 1, 2010

s/ James F. Logue, Esquire
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CERTIFICATE OF CONCURRENCE

I, James F. Logue, attorney for the Plaintiff, certify that on February 18, 2010, I sought concurrence in Plaintiff's Motion to Conduct Additional Depositions from Michael J. Butler, Esquire, attorney for Defendants. Mr. Butler concurred in the above Motion to Conduct Additional Depositions on February 18, 2010.

/s/ James F. Logue, Esquire
James F. Logue, Esquire

Date: March 1, 2010

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CERTIFICATE OF SERVICE

I, James F. Logue, Esquire, attorney for Plaintiff, David E. Ricketts, hereby state that on March 1, 2010, I served a true and accurate copy of the Plaintiff's Motion to Conduct Additional Depositions, filed March 1, 2010 on the following counsel of record for Defendants via electronic filing:

Michael J. Butler, Esquire
Assistant United States Attorney
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(717) 221-4482

/s/ James F. Logue, Esquire
James F. Logue, Esquire

Date: March 1, 2010